

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

SPENCER NORMAN, et al.,)
)
 Plaintiffs,)
)
 vs.) Case No. 2:12-CV-04210
)
CAMDEN COUNTY, et al.,)
) October 2, 2013
 Defendants.) Camdenton, Missouri

VIDEOTAPED DEPOSITION OF JAMEE RUGEN,

a witness, produced, sworn, and examined on October 2, 2013
between the hours of 8:00 a.m. and 6:00 p.m. of that day,
at the law offices of Phillips, McElyea, Carpenter & Welch,
85 Court Circle, in the City of Camdenton, County of
Camden, State of Missouri, before

SHELLY L. STEWART, CCR (No. 619)
CAPITAL CITY COURT REPORTING
Jefferson City ** The Lake ** Columbia
573-761-4350 * 573-365-5226 * 573-445-4142

within and for the State of Missouri, in the above-entitled
cause, on the part of the Plaintiffs, taken pursuant to
amended notice.

EXHIBIT

3

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1 Q. And what is your date of birth?
 2 A. **2-23 of '87.**
 3 Q. Okay. And how tall are you?
 4 A. **5'3".**
 5 Q. And what is your current weight?
 6 A. **250.**
 7 Q. What was your weight at the time of this incident
 8 in October 4, 2011?
 9 A. **Between 220 and 230.**
 10 Q. Did you attend college?
 11 A. **Yes, I did.**
 12 Q. Where?
 13 A. **Missouri Valley.**
 14 Q. Where is that located?
 15 A. **In Marshall, Missouri.**
 16 Q. What was your major?
 17 A. **Criminal justice.**
 18 Q. When did you graduate?
 19 A. **2005. I'm sorry. 2009. I graduated from high**
 20 **school in 2005.**
 21 Q. Okay. So 2009?
 22 A. **Yes.**
 23 Q. Criminal justice?
 24 A. **Yes.**
 25 Q. Missouri Valley College?

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1 A. **Yes.**
 2 Q. Okay. And what did you do after you graduated
 3 from college?
 4 A. **I looked for a job.**
 5 Q. Did you find one?
 6 A. **Four months later.**
 7 Q. Okay. What kind of job was it?
 8 A. **I was hired as a police officer.**
 9 Q. Okay. Did you have any jobs in the interim
 10 between the time of graduating and --
 11 A. **I worked for Panera Bread.**
 12 Q. Okay. Anything else?
 13 A. **Like a week at McDonald's.**
 14 Q. Okay. And so were you applying for police jobs
 15 during that four-month period?
 16 A. **Yes, I was.**
 17 Q. And you said you found one?
 18 A. **Yes.**
 19 Q. And where was that at?
 20 A. **Camdenton City.**
 21 Q. Okay. And is that -- I assume that's in Camden
 22 County?
 23 A. **Yes, it is.**
 24 Q. How large of a police department is that?
 25 A. **I believe they have eight to ten officers**

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1 **including supervisors.**
 2 Q. And what is the jurisdiction of Camdenton City,
 3 just the actual city limits of Camdenton?
 4 A. **Yes, just the city limits.**
 5 Q. And did you attend any kind of police academy
 6 before you started on that job?
 7 A. **Yes, I did.**
 8 Q. When was that?
 9 A. **That was in 2009. August of 2009.**
 10 Q. How long was that?
 11 A. **For four months.**
 12 Q. And was that before you started working as a
 13 police officer?
 14 A. **Yes, it was.**
 15 Q. Where was that at?
 16 A. **Columbia, Missouri.**
 17 Q. And what was it called?
 18 A. **Law Enforcement Training Institute.**
 19 Q. What was your title with the Camdenton Police
 20 Department?
 21 A. **Well, I was a police officer.**
 22 Q. Okay. And what were your duties as a police
 23 officer?
 24 A. **General law enforcement, patrol duties, traffic**
 25 **enforcement.**

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1 Q. And how long did you work for Camdenton for the
 2 Camdenton Police Department?
 3 A. **Nine to ten months.**
 4 Q. And what did you do after that?
 5 A. **I came to work at Camden County.**
 6 Q. Okay. And why did you leave Camdenton City?
 7 A. **For the hours.**
 8 Q. What do you mean by that?
 9 A. **It was a better schedule. We worked 12s in**
 10 **Camdenton County, and I worked eight in Camdenton City.**
 11 Q. So more hours?
 12 A. **More hours in one shift, yes.**
 13 Q. Got it. During the time that you were a police
 14 officer for the City of Camdenton, did you receive any
 15 training?
 16 A. **Yes.**
 17 Q. Okay. And was that -- we'll go over training in
 18 a second.
 19 A. **Okay.**
 20 Q. When you started with Camden -- the Camdenton
 21 Sheriff's Office, is that what it's called?
 22 A. **Camden County Sheriff's Office.**
 23 Q. Camden County that's right.
 24 Okay. When you started with the Camden County
 25 Sheriff's office, what was your title?

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Page 20

1 go?

2 **A. I don't know. Well, our training officer, I**
3 **know, has all the documentation and in the categories, so**
4 **they would know, with the sheriff's office, and he actually**
5 **is the one that keeps track of all of our training.**

6 Q. Now, who decides what training classes you go to?

7 **A. Our training -- the person in charge of training**
8 **for our department.**

9 Q. And that's someone with the Camden County
10 Sheriff's Department?

11 **A. Yes.**

12 Q. And do they tell you exactly which training
13 classes to go to?

14 **A. Yes. They tell us, you need to go to this**
15 **training and this is the day it's scheduled.**

16 Q. So it's not a decision you make?

17 **A. Not necessarily, no. We can request training,**
18 **but it has to be approved.**

19 Q. Is it every year that Camden -- somebody at
20 Camden County Sheriff's Department is telling you you have
21 to go to this training or that training?

22 **A. Yeah. It's -- I mean, we get e-mails on it on a**
23 **yearly basis, yes.**

24 Q. And that's kind of what I was asking about, do
25 you just get an e-mail that says this is when the training

1 Keith.

2 MR. HENSON: Yeah.

3 THE WITNESS: I would say they're training
4 records, most likely mine.

5 BY MR. CARNIE:

6 Q. And let me just -- let me just clear that up. I
7 have handed you a document marked Exhibit 1.

8 **A. Okay.**

9 Q. And do you recognize that document?

10 MR. HENSON: They are your training records.

11 THE WITNESS: Okay. Yes. They look like all the
12 training I've been to, so . . .

13 BY MR. CARNIE:

14 Q. So this is a list of your training records?

15 **A. Yes.**

16 Q. And do you know of any training that you've
17 received that isn't on that list?

18 **A. No.**

19 MR. HENSON: That would be before.

20 THE WITNESS: Well, that was --

21 MR. CARNIE: Before.

22 THE WITNESS: -- beforehand?

23 BY MR. CARNIE:

24 Q. Before October 4th, 2011?

25 **A. Okay. Yeah, that looks like all the training.**

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Page 21

1 is; you need to go to this?

2 **A. A lot of times, yes.**

3 **(PLAINTIFFS' DEPOSITION EXHIBIT NO. 1 WAS MARKED**
4 **FOR IDENTIFICATION.)**

5 BY MR. CARNIE:

6 Q. I'm going to hand you what we've marked as
7 Exhibit 1, and I would like you to take a look at that and
8 let me know if you recognize that?

9 MR. CARNIE: Do you have that, Keith?

10 MR. HENSON: Yeah, I do.

11 MR. CARNIE: Okay. It's just her --

12 MR. HENSON: Yeah, I know.

13 MR. CARNIE: Okay.

14 MR. HENSON: And let me give you -- and I
15 believe -- my paralegal has now returned from the death of
16 the flu, and I have determined, I think these are
17 already -- you already have these that we've produced in
18 her training file, but I've copied them again.

19 So I'm going to give them to you again and -- but
20 she tells me those were in the training file and she tells
21 me the ones last week were in the training file too that
22 Mr. Lawyer, that can't survive without his paralegal, did
23 not know, but I wanted to give those just to make sure you
24 did have them.

25 MR. CARNIE: And we have these. Thank you,

1 Q. Just let me know when you finished.

2 Okay. Have you ever had any training about
3 dealing with emotionally disturbed persons?

4 **A. No.**

5 Q. Have you ever had any training about dealing with
6 mentally ill persons?

7 **A. No.**

8 Q. Have you ever had any training about prevention
9 of in-custody death?

10 **A. No.**

11 Q. Have you ever had any training about asphyxia?

12 **A. No.**

13 Q. Have you ever had any training about positional
14 asphyxia?

15 **A. No.**

16 Q. Have you ever had any training about restraint
17 asphyxia?

18 **A. No.**

19 Q. Have you ever had any training that talked about
20 whether it's safe to put pressure on a suspect's back?

21 **A. No.**

22 Q. Have you ever had any handcuffing training?

23 **A. Yes.**

24 Q. What class is that?

25 **A. PPCT.**

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1 Q. And is that on this training list here?
 2 A. **Tactical handcuffing is and -- yes.**
 3 MR. HENSON: And it's in the --
 4 THE WITNESS: In the academy, the defensive
 5 tactics basic certification.
 6 BY MR. CARNIE:
 7 Q. Okay. So on two occasions you would have had
 8 some handcuffing training, correct?
 9 A. **Yes.**
 10 Q. And once would have been in the academy in
 11 August 2009, correct?
 12 A. **Yes.**
 13 Q. And then the second time was when?
 14 A. **7-21 of 2011.**
 15 Q. And what is that class called?
 16 A. **PPCT tactical handcuffing.**
 17 Q. And tell me about that class, is that -- did you
 18 go and physically attend it?
 19 A. **Yes, I did.**
 20 Q. Where was it?
 21 A. **At the Camden County Sheriff's Office.**
 22 Q. And who was the instructor, do you recall?
 23 A. **I believe it was Justin Young.**
 24 Q. Who is Justin Young?
 25 A. **He is a detective for our department.**

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1 Q. So he is actually a Camden County detective?
 2 A. **Yes.**
 3 Q. And he taught the PPCT class?
 4 A. **Yes.**
 5 Q. And you attended that class in --
 6 MR. HENSON: July.
 7 BY MR. CARNIE:
 8 Q. -- July --
 9 MR. HENSON: 2011.
 10 BY MR. CARNIE:
 11 Q. -- 2011?
 12 MR. CARNIE: Thank you.
 13 THE WITNESS: Yes.
 14 BY MR. CARNIE:
 15 Q. Can you tell me what you learned in that class?
 16 A. **The basic to handcuffing, the way that PPCT**
 17 **teaches it.**
 18 Q. And what does PPCT stand for?
 19 A. **I do not know.**
 20 Q. Okay. And can you tell me any more specifics
 21 about what the handcuffing technique that's taught in that
 22 class is?
 23 A. **It teaches you different techniques from**
 24 **different -- I guess from standing, kneeling, prone, how to**
 25 **do different takedowns with handcuffs and so on.**

Page 24

1 Q. During that training was there any technique
 2 taught that involved putting a knee in a suspect's back?
 3 A. **Yes, there was.**
 4 Q. What is that technique called?
 5 A. **I don't know the name of the technique, but it**
 6 **was used during -- for a prone person or in some of the**
 7 **takedowns to finish handcuffing.**
 8 Q. And can you tell me what you learned about that
 9 technique in the class?
 10 A. **Like how it was done?**
 11 Q. Correct.
 12 A. **It's in prone position for somebody who is not**
 13 **comb-- or non-combative. You instruct them to put their**
 14 **hands out to their sides. You approach. You put a**
 15 **handcuff on their wrist, sweep the arm back to an almost**
 16 **vertical angle so it's angled back toward their -- their**
 17 **hand's angled back toward their feet.**
 18 **You come up and you place your right knee on**
 19 **their shoulder blade or toward the middle of the back --**
 20 **toward the middle -- I'm sorry -- between the shoulder**
 21 **blades. And you can either take your left knee, but it up**
 22 **to the body, put it also on the side of their body or keep**
 23 **it up. And when you do that, you sweep their hand back,**
 24 **instruct them to take the other hand, pull it back and then**
 25 **handcuff.**

Page 25

1 Q. And do they teach you why you're putting the knee
 2 in between the shoulder blades?
 3 A. **So you have control over their arm and they**
 4 **can't -- pretty much so they can't get the arm back under**
 5 **their body.**
 6 Q. And what do they teach you in that class about
 7 after the person is handcuffed?
 8 A. **When the handcuff -- on a prone person?**
 9 Q. Correct.
 10 A. **To turn them on their sides and not leave them on**
 11 **their stomachs.**
 12 Q. Do they teach you in that class to keep your knee
 13 in the suspect's back if he continues to struggle after
 14 being handcuffed?
 15 A. **If you don't have control over them, it is a way**
 16 **to just keep control, because if you don't have control**
 17 **over your suspect, then the handcuffing is not going to do**
 18 **much.**
 19 Q. Okay. And they teach you to keep the knee in the
 20 suspect's back after --
 21 A. **They don't teach you that, no.**
 22 Q. Okay. Is that a technique that you learned at
 23 some point in time?
 24 A. **Yes, it is.**
 25 Q. Where did you learn that technique?

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- 1 Q. Where were you when you received the call to
2 respond?
- 3 A. **I was on patrol.**
- 4 Q. And where at, do you recall?
- 5 A. **State Road A.**
- 6 Q. Do you remember about the time of that call?
- 7 A. **I believe the call came out at around 4:25 a.m.**
- 8 Q. Do you recall how long it took you to arrive on
9 scene?
- 10 A. **Approximately 11 minutes.**
- 11 Q. The dispatch record says you arrived around
12 4:37 a.m., do you have any reason to dispute that?
- 13 A. **No, I don't.**
- 14 Q. Could you please describe what the call was that
15 you received?
- 16 A. **The call was -- a burglary in progress is what we
17 call it. It was a subject attempting to gain entry into a
18 residence, and we were informed that he did actually gain
19 entry into that residence.**
- 20 Q. And can you describe what you first saw when you
21 arrived?
- 22 A. **I saw my supervisor's patrol car sitting in
23 the -- well, essentially off to the side of the road.**
- 24 Q. And who is your supervisor?
- 25 A. **It was, at the time, Sergeant Brian Fiene.**

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- 1 Q. And what did you do after you saw his patrol car?
- 2 A. **I parked my patrol car next to it and exited my
3 vehicle.**
- 4 Q. And then what did you do?
- 5 A. **I attempted to locate where my sergeant and the
6 other deputy who had arrived before me were.**
- 7 Q. Were you able to locate them?
- 8 A. **I was.**
- 9 Q. Where did you locate them?
- 10 A. **In tall grass behind the residence.**
- 11 Q. And you mentioned there was another deputy on the
12 scene?
- 13 A. **Yes, there was.**
- 14 Q. Who was that deputy?
- 15 A. **Deputy Brandon Dziadosz.**
- 16 Q. And once you located them, what did you do?
- 17 A. **I went to their location.**
- 18 Q. And what did you see when you first located them?
- 19 A. **That Deputy Dziadosz was on his knees next to a
20 male subject trying to gain control over his left hand and
21 Sergeant Fiene was on his upper thighs and he had his taser
22 drawn.**
- 23 Q. And how far away from Deputy Dziadosz and
24 Sergeant Fiene were you when you first located them?
- 25 A. **When I first saw them, I don't know.**

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- 1 Q. And I assume you walked toward them, correct?
- 2 A. **I rushed toward them.**
- 3 Q. Okay. So you were moving quickly toward them?
- 4 A. **Yes.**
- 5 Q. And what did you see when you got close to them?
- 6 A. **That they were struggling with the male subject
7 to gain control over him. I could see that beforehand too.
8 And that his right arm had some blood on it and that he was
9 actively resisting the deputies.**
- 10 Q. And what was Deputy Dziadosz doing when you
11 arrived?
- 12 A. **He was trying to gain control over the suspect or
13 the subject's left hand and left arm.**
- 14 Q. Was he touching Mr. Norman?
- 15 A. **Yes.**
- 16 Q. What parts of his body were touching Mr. Norman?
- 17 A. **His hands.**
- 18 Q. Where were his knees?
- 19 A. **On the ground.**
- 20 Q. Can you describe what Deputy Dziadosz was doing?
- 21 A. **He was trying to gain control over his hands or
22 his arm.**
- 23 Q. And physically what does that involve doing?
- 24 A. **Holding onto his arm, trying to get it behind his
25 back.**

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- 1 Q. And where was Mr. Norman's arm?
- 2 A. **Next to his body.**
- 3 Q. And where was Sergeant Fiene?
- 4 A. **He was behind Mr. Norman on his upper thighs, his
5 legs.**
- 6 Q. What part of Sergeant Fiene's body was touching
7 Mr. Norman?
- 8 A. **It would have been his -- he had him straddled,
9 so his legs were between Sergeant Fiene's legs, and I
10 believe his butt was on top of Mr. Norman's legs.**
- 11 Q. What was Sergeant Fiene doing with his hands?
- 12 A. **He had a taser out.**
- 13 Q. Which hand did he have the taser in?
- 14 A. **I believe the right hand.**
- 15 Q. What was he doing with the left hand?
- 16 A. **I don't know.**
- 17 Q. What was he doing with the right hand?
- 18 A. **He had it on the taser.**
- 19 Q. And what was he doing with the taser?
- 20 A. **He had it in his hand. At that time he was not
21 doing anything with it.**
- 22 Q. So at the time you arrived, he is straddling
23 Mr. Norman?
- 24 A. **Yes.**
- 25 Q. Deputy Dziadosz is kneeling beside Mr. Norman?

1 A. Yes.
 2 Q. And Sergeant Fiene is not touching him other than
 3 straddling him?
 4 A. Yes.
 5 Q. Okay. Then what happened next?
 6 A. **I rushed to his side and got down on my knees and**
 7 **grabbed hold of Mr. Norman's right hand -- or right arm.**
 8 Q. Okay. And what did you do with his right arm?
 9 A. **I attempted to get it out from under his body.**
 10 Q. Describe to me how you did that.
 11 A. **I started to grab toward his arm, grabbed his**
 12 **upper for-- or his lower forearm and then worked my way**
 13 **down to his wrist and attempted to pull it out from under**
 14 **his body.**
 15 Q. And were you able to do that?
 16 A. **Not right away.**
 17 Q. At the time you started to make contact with
 18 Mr. Norman's arm, what was Sergeant Fiene doing?
 19 A. **He was directing Mr. Norman to put his hands**
 20 **behind his back.**
 21 Q. Did you say anything to Mr. Norman?
 22 A. **I don't recall.**
 23 Q. Were you able to hear any noises from Mr. Norman?
 24 A. **Yes.**
 25 Q. What noises was he making?

1 A. **He was yelling and grunting.**
 2 Q. Could you make out any of the words he was
 3 saying?
 4 A. **No.**
 5 Q. What was Mr. Norman doing when you arrived?
 6 A. **Resisting deputies.**
 7 Q. What does that mean?
 8 A. **He was fighting against deputies. I'm sorry. He**
 9 **was struggling against deputies' hold on him to try to put**
 10 **his arms behind his back, wasn't following commands that**
 11 **the deputies were giving him and attempting to push himself**
 12 **off the ground.**
 13 Q. Can you describe Mr. Norman's appearance when you
 14 arrived?
 15 A. **He was wearing only shorts, which were later**
 16 **identified as boxer shorts.**
 17 Q. So he had no shirt on?
 18 A. **No.**
 19 Q. Did he have shoes on?
 20 A. **No.**
 21 Q. Did he have socks on?
 22 A. **No.**
 23 Q. Did he have pants on?
 24 A. **No.**
 25 Q. So he was only wearing boxer shorts?

1 A. **Yes.**
 2 Q. And what position was Mr. Norman in?
 3 A. **He was on his stomach.**
 4 Q. And is that called the prone position?
 5 A. **Yes, it is.**
 6 Q. Before you arrived to the scene, did you have any
 7 communication with Deputy Dziadosz?
 8 A. **We had radio communication.**
 9 Q. What was that radio communication?
 10 A. **Oh, did I actually talk to him prior to arriving**
 11 **on the scene?**
 12 Q. Yes, ma'am.
 13 A. **No, I did not.**
 14 Q. Okay. Did you hear him say anything over the
 15 radio prior to arriving on scene?
 16 A. **I don't recall what was said over the radio.**
 17 Q. Did you have any conversation with Sergeant Fiene
 18 prior to arriving?
 19 A. **No.**
 20 Q. Did you hear Sergeant Fiene say anything over the
 21 radio prior to arriving?
 22 A. **Not that I can remember.**
 23 Q. Did anybody tell you that Mr. Norman was an
 24 emotionally disturbed person before you arrived?
 25 A. **No.**

1 Q. Were you at any point able to make that
 2 determination?
 3 A. **Yes.**
 4 Q. When?
 5 A. **When I got up to everybody, the group of them,**
 6 **and he wasn't following commands. Everything -- he was --**
 7 **he just wasn't responding the way a normal person would.**
 8 Q. When you arrived, did Deputy Dziadosz tell you he
 9 was an emotionally disturbed person?
 10 A. **No.**
 11 Q. Did Sergeant Fiene tell you he was an emotionally
 12 disturbed person?
 13 A. **No.**
 14 Q. That's just something you observed when you
 15 arrived?
 16 A. **Yes.**
 17 Q. At any point during your interaction with
 18 Mr. Norman did you say anything to him?
 19 A. **The only thing that I would have said would be**
 20 **put your hands behind your back and stop resisting.**
 21 Q. During the entire interaction with Mr. Norman,
 22 could you make out any words that Mr. Norman said?
 23 A. **No.**
 24 Q. Can you tell me all of the words you remember
 25 Sergeant Fiene saying to Mr. Norman?

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1 A. I don't know.
 2 Q. When is the next time you recall seeing Deputy
 3 Dziadosz?
 4 A. When we -- after I removed my knee, we both
 5 grabbed hold of Mr. Norman and put him up to his knees.
 6 Q. And that's prior to moving him?
 7 A. To the short grass?
 8 Q. Yeah.
 9 A. Yes.
 10 Q. When was the next time you recall seeing Sergeant
 11 Fiene after he -- after Mr. Norman was handcuffed?
 12 A. When he came back from getting his vehicle or
 13 getting, I think it was, Deputy Dziadosz' vehicle?
 14 Q. So that would have been just shortly after you
 15 put Mr. Norman up on his knees?
 16 A. Yes.
 17 Q. Now, after Mr. Norman was handcuffed, was he
 18 making any noises?
 19 A. Yes.
 20 Q. Were his eyes open?
 21 A. Yes.
 22 Q. Where was his head facing?
 23 A. It was facing towards me, so it was facing to the
 24 right.
 25 Q. Okay. And you remained in the same position

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1 relative to Mr. Norman's body, correct?
 2 A. Yes.
 3 Q. What were you looking at during the time period
 4 when -- after Mr. Norman was handcuffed and before you
 5 removed the knee from the back?
 6 A. At Mr. Norman.
 7 Q. What was your plan at that time relative to
 8 having the knee in his back?
 9 A. What do you mean?
 10 Q. In other words, how long did you plan to keep
 11 your knee in his back?
 12 A. Until we had control over him.
 13 Q. And what does control over him mean?
 14 A. Until he relaxed and was compliant, or at least
 15 until we could -- yeah.
 16 Q. And you said it took two to three minutes for him
 17 to calm down?
 18 A. Yes.
 19 Q. And during that entire time you remained with
 20 your knee in between his shoulder blades?
 21 A. Yes.
 22 Q. And during that entire time, until he calmed
 23 down, he was pushing up?
 24 A. Yes.
 25 Q. And he was handcuffed, correct?

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1 A. Yes.
 2 Q. And his hands were behind his back?
 3 A. Yes.
 4 Q. And he was prone on the ground?
 5 A. Yes.
 6 Q. Can you describe for me what happened when he
 7 calmed down?
 8 A. He visibly relaxed. I could feel his body relax,
 9 and his breathing -- he wasn't grunting anymore. He
 10 visibly calmed down. When that happened, I removed my
 11 knee.
 12 Q. Okay. How long from the point in time that he
 13 calm down until you removed your knee?
 14 A. It was immediately.
 15 Q. And then what did you do when you removed your
 16 knee?
 17 A. We placed him -- myself and Deputy Dziadosz
 18 placed him up on his knees so he was no longer on the
 19 ground.
 20 Q. Okay. So after removing your knee, did you stand
 21 up?
 22 A. Yes, I did.
 23 Q. Okay. And then what happened?
 24 A. In reference -- what did I do?
 25 Q. Let me ask a better question.

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1 What was Mr. Norman doing after you removed your
 2 knee?
 3 A. He was laying on the ground blinking, breathing
 4 normally.
 5 Q. Okay. His eyes were open?
 6 A. They were open.
 7 Q. At some point in time did his eyes close?
 8 A. Yes.
 9 Q. When was that?
 10 A. I can't give you an exact time, but it was around
 11 the same time he started snoring.
 12 Q. And how long from the point in time when you
 13 removed your knee from his back until he started snoring?
 14 A. About a minute. One minute to two minutes.
 15 Q. Okay. And did his head remain facing in the same
 16 direction the whole time?
 17 A. He would -- before he started snoring, he would
 18 straighten it up, put his chin on the ground and then place
 19 it back with his left cheek on the ground facing toward me.
 20 Q. And so it took one to two minutes before he
 21 started making a snoring sound?
 22 A. Yes.
 23 Q. What were you doing during that time?
 24 A. I was standing up and Deputy Dziadosz and I were
 25 in the process of putting him on his knees.

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1 MR. HENSON: Yeah. We did the same thing with
2 the summarization of the highway patrol interview that we
3 did with Deputy Dziadosz, and she found three different
4 things that the patrol wrote up in a different manner than
5 she said them. So I just --
6 MR. CARNIE: Okay. And I will do just like I did
7 Deputy Dziadosz, I'll let her explain.
8 MR. HENSON: I just want you to know that.
9 MR. CARNIE: So we know what those are. Give me
10 one second.
11 MR. HENSON: Okay.
12 BY MR. CARNIE:
13 Q. Now, at the time of this incident, did you
14 believe that it was normal for someone to go from actively
15 fighting to snoring?
16 A. No.
17 Q. Did you think that was kind of strange?
18 A. Yes.
19 Q. Did you mention anything to anyone else about
20 those thoughts at the time?
21 A. That it was unusual he was snoring? I'm sure I
22 did, but I don't remember.
23 Q. So you don't recall one way or another if you
24 said something to Deputy Dziadosz about, is this normal or
25 not?

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1 A. No, I don't.
2 Q. But in any event, you didn't think it was normal?
3 A. No.
4 Q. I think if you look at Deputy Dziadosz' dash
5 camera, it shows that Mr. Norman was first in the lights of
6 his patrol car around 4:45 a.m.; do you have any reason to
7 dispute that?
8 A. No.
9 Q. Now, while Mr. Norman was being moved from the
10 long grass to the short grass, what were you doing?
11 A. I was walking in front of them.
12 Q. And it was Deputy Dziadosz and Sergeant Fiene
13 that were moving him?
14 A. Yes.
15 Q. Now, during the time he was being moved, did you
16 hear him make any noises?
17 A. Other than the snoring?
18 Q. Well, that's a good start. So did you hear him
19 make the snoring sound as he was being dragged from the
20 long grass to the short grass?
21 A. I'm trying to remember. I believe so. I know
22 when we got to the short grass he was still snoring.
23 Q. Okay. So at the time he is placed in the short
24 grass, how is he placed?
25 A. He's placed on his stomach, then turned to his

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1 side.
2 Q. And at that time when you arrived to the short
3 grass, he is still making the snoring sound?
4 A. Yes, for a short period of time.
5 Q. For how long?
6 A. I don't know. Maybe 30 seconds to a minute.
7 Q. Now, at the time he first started snoring, did
8 you believe that he was unconscious?
9 A. He was unresponsive, so yes.
10 Q. And did that change from the point in time when
11 he was moved from the short grass to the tall grass?
12 A. From the tall grass to the short grass?
13 Q. Tall grass to the short grass, correct.
14 A. Yes.
15 Q. It did change?
16 A. I'm sorry. No, it did not change.
17 Q. Okay. His condition, as far as being responsive
18 or not, did not change from the time period where he first
19 started snoring until when you had him in the short grass?
20 A. No, it did not.
21 Q. He was still unresponsive?
22 A. Yes.
23 Q. And what do you mean when you say unresponsive?
24 A. He wasn't -- he wasn't opening his eyes making
25 any movements. He was unconscious.

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1 Q. Okay. And when he got to the short grass, did
2 you check for a pulse?
3 A. I did eventually, yes.
4 Q. Okay. How long after the point in time he got to
5 the short grass was it?
6 A. I believe I checked his pulse at 4:49 a.m.
7 Q. And I take it you've recently looked at the
8 video?
9 A. I have.
10 Q. And there's a point in time where it shows you
11 doing something that looks like you might be checking his
12 pulse, right?
13 A. Yes.
14 Q. And before watching that video, did you recall
15 checking his pulse?
16 A. I did.
17 Q. You did?
18 A. Yes.
19 Q. Did you feel a pulse?
20 A. I did.
21 Q. And where did you check his pulse?
22 A. Underneath -- well, it would have been on his
23 neck.
24 Q. Okay. When Mr. Norman gets into the short grass,
25 you say he's put on his side, right?

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- 1 A. Yes.
 2 Q. What did she say then?
 3 A. She had come back with her son and daughter, and
 4 I made contact with her before she got anywhere near it,
 5 because we had everything taped off and what-not. And she
 6 had informed me that she had notified his son who lives in
 7 Osage Beach. And I asked for her kids to take her back to
 8 the trailer and, again, told her that a deputy would be out
 9 to speak with her.
 10 Q. And did she go back to her trailer?
 11 A. Yes, she did.
 12 Q. Do you agree that Mr. Norman was an emotionally
 13 disturbed person?
 14 A. Yes.
 15 Q. Was it obvious to you when you arrived on the
 16 scene that he was high or intoxicated?
 17 A. Yes.
 18 Q. And you didn't need anybody to tell you that, did
 19 you?
 20 A. No.
 21 Q. Do you believe that as deputy you need to treat
 22 emotionally disturbed people any different than another
 23 suspect?
 24 A. No.
 25 Q. Have you ever had any training on that?

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- 1 A. No.
 2 Q. Are there any Camden County policies on that?
 3 A. No.
 4 Q. Does Camden County have any policies about when
 5 an ambulance needs to be called to the scene?
 6 A. No.
 7 Q. Have you had any training about that?
 8 A. No.
 9 Q. Have you had any CPR training?
 10 A. Yes.
 11 Q. What do they teach you in CPR class?
 12 A. What do you mean? Like compressions to breath?
 13 Q. If I wanted to take a CPR class, what would they
 14 teach me?
 15 A. How to assess whether or not somebody is
 16 breathing, what to do if they aren't breathing, when to
 17 stop CPR.
 18 Q. How do they teach you how to assess if someone is
 19 breathing or not?
 20 A. Airway -- like color, airway and whether or not,
 21 you know, there's actually breath coming out of their
 22 mouth.
 23 Q. Is there a technique that they teach you to use
 24 to determine whether breath is coming out of someone's
 25 mouth?

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- 1 A. It's called ABC, but I can't remember what they
 2 stand for. I know it's airway -- I believe it's airway,
 3 breathing and I can't remember -- I don't remember exactly
 4 what the --
 5 Q. And that's okay. I'm not so interested in
 6 terminology. I'm interested in what you actually
 7 physically do?
 8 MR. HENSON: He's talking about checking breaths
 9 and those kinds of things.
 10 MR. CARNIE: Yes.
 11 MR. HENSON: What do they teach you to do to
 12 check breaths?
 13 THE WITNESS: To check breaths?
 14 BY MR. CARNIE:
 15 Q. So earlier you talked to me about how you saw on
 16 the video that either Dziadosz or Rutherford checked for
 17 breaths.
 18 A. Yes.
 19 Q. Is that part of the CPR training?
 20 A. Yes, it is.
 21 Q. And that's putting your ear by the person's
 22 mouth?
 23 A. Yes. To hear and to feel whether or not there's
 24 breath coming out of their mouth.
 25 Q. And that's how CPR class trains you to check if

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- 1 somebody is breathing or not?
 2 A. Yes.
 3 Q. Does CPR class teach you when compressions and
 4 breaths need to start?
 5 A. Yes.
 6 Q. What do they teach you about that?
 7 A. When there's no pulse and -- or there's no pulse
 8 and no breathing you essentially start CPR.
 9 Q. Does CPR class teach you anything about what to
 10 do if there's a weak pulse?
 11 A. I don't remember exactly. I know there is, but I
 12 can't explain to you what it is right now.
 13 Q. Okay.
 14 MR. CARNIE: Let's go ahead and take a break, and
 15 this will probably be our final break.
 16 THE VIDEOGRAPHER: We are off the record at
 17 12:10. This ends Tape 2.
 18 (A BREAK WAS TAKEN.)
 19 THE VIDEOGRAPHER: We are back on the record at
 20 12:23. This begins Tape 3 of the deposition of Deputy
 21 Jamee Rugen.
 22 BY MR. CARNIE:
 23 Q. Deputy, do you believe it's safe to place your
 24 knee in a suspect's back after he is handcuffed?
 25 MR. HENSON: Object to the form. It calls for an

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1 improper opinion. It's speculation on her part.
 2 THE WITNESS: Yes.
 3 BY MR. CARNIE:
 4 Q. And what is that based on?
 5 A. Based on the location that it was at, I don't
 6 think it would be detrimental, and it helps with making
 7 sure that the subject wouldn't further cause harm to
 8 himself or us, and just to make sure that we have control
 9 over them.
 10 Q. And is that based on your training?
 11 A. Yes.
 12 MR. CARNIE: I don't have any further questions
 13 for you.
 14 MR. HENSON: We don't have any questions and we
 15 will read and sign, so send it to me and we'll get it back
 16 to you.
 17 THE VIDEOGRAPHER: We are off the record at
 18 12:24. This concludes this deposition of Deputy Jamee
 19 Rugen.
 20 (SIGNATURE REQUESTED.)
 21
 22
 23
 24
 25

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1 (THIS IS THE SIGNATURE PAGE TO THE VIDEOTAPED DEPOSITION OF
 2 JAMEE RUGEN TAKEN ON OCTOBER 2, 2013.)
 3
 4
 5
 6
 7
 8
 9 JAMEE RUGEN
 10
 11 Subscribed and sworn before me on this ____ day
 12 of ____ 2013.
 13 My Commission expires ____
 14
 15
 16
 17
 18 NOTARY PUBLIC - STATE OF MISSOURI
 19 Commissioned in ____ County
 20
 21
 22
 23
 24
 25

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1 October 16, 2013
 2
 3
 4 D. Keith Henson
 5 Attorney at Law
 6 Paule, Camazine & Blumenthal
 7 165 North Meramec Avenue
 8 Sixth Floor
 9 St. Louis, Missouri 63105-3789
 10
 11 In Re: SPENCER NORMAN, et al. vs. CAMDEN COUNTY, et al.
 12 Dear Mr. Henson:
 13 Please find enclosed your copy of the deposition of Jamee
 14 Rugen taken on October 2, 2013, in the above-referenced
 15 case. Also enclosed is the original signature page and
 16 errata sheet.
 17 Please have Mrs. Rugen read your copy of the transcript,
 18 indicate any changes and/or corrections desired on the
 19 errata sheet and sign the signature page in front of a
 20 notary public.
 21 Please return the errata sheet and signed signature page to
 22 Mr. Carnie so he can file the original deposition in the
 23 appropriate manner.
 24 If you have any questions, please feel free to call me.
 25 Sincerely,
 Shelly L. Stewart, CCR
 CAPITAL CITY COURT REPORTING

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1 ERRATA SHEET
 2 Page 1 of 2
 3 Deponent: JAMEE RUGEN
 4 In Re: SPENCER NORMAN, et al. vs. CAMDEN COUNTY, et al.
 5 Date Taken: OCTOBER 2, 2013
 6
 7 Page # ____, Line # ____,
 8 Should Read: _____
 9 Reason for Change: _____
 10 Page # ____, Line # ____,
 11 Should Read: _____
 12 Reason for Change: _____
 13 Page # ____, Line # ____,
 14 Should Read: _____
 15 Reason for Change: _____
 16 Page # ____, Line # ____,
 17 Should Read: _____
 18 Reason for Change: _____
 19 Page # ____, Line # ____,
 20 Should Read: _____
 21 Reason for Change: _____
 22 Page # ____, Line # ____,
 23 Should Read: _____
 24 Reason for Change: _____
 25

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ERRATA SHEET

Page 2 of 2

1 Page # _____, Line # _____,
 2 Should Read: _____
 3 Reason for Change: _____
 4 Page # _____, Line # _____,
 5 Should Read: _____
 6 Reason for Change: _____
 7 Page # _____, Line # _____,
 8 Should Read: _____
 9 Reason for Change: _____
 10 Page # _____, Line # _____,
 11 Should Read: _____
 12 Reason for Change: _____
 13 Page # _____, Line # _____,
 14 Should Read: _____
 15 Reason for Change: _____
 16 Page # _____, Line # _____,
 17 Should Read: _____
 18 Reason for Change: _____
 19 Page # _____, Line # _____,
 20 Should Read: _____
 21 Reason for Change: _____
 22 Page # _____, Line # _____,
 23 Should Read: _____
 24 Reason for Change: _____
 25

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1 COURT MEMO
 2 IN THE UNITED STATES DISTRICT COURT
 3 WESTERN DISTRICT/CENTRAL DIVISION
 4 STATE OF MISSOURI

5 SPENCER NORMAN, et al.,)
 6)

6 Plaintiffs,)
 7) Case No. 2:12-CV-04210

7 vs.)

8 CAMDEN COUNTY, et al.,)
 9)

9 Defendants.)

10 CERTIFICATE OF OFFICER & STATEMENT OF COSTS

11 Transcript of Videotaped Deposition of JAMEE RUGEN
 12 October 2, 2013

12 Name & address of person or firm having custody of the
 13 original transcript: KEVIN M. CARNIE, JR., 800 Market
 14 Street, Suite 1700, St. Louis, Missouri 63101
 15

16 TAXED IN FAVOR OF: Plaintiffs, represented by KEVIN M.
 17 CARNIE, JR.: Attendance, original with original exhibit &
 18 copy of transcript and E-transcript,

19 TOTAL.....\$ 660.25

20 TAXED IN FAVOR OF: Defendants, represented by D. KEITH
 21 HENSON: Regular copy, condensed copy of transcript,
 22 exhibits and E-transcript,
 23

24 TOTAL.....\$ 284.25
 25

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CERTIFICATE

1 I, Shelly L. Stewart, Certified Court Reporter, Capital
 2 City Court Reporting, Post Office Box 446, Jefferson City,
 3 Missouri 65102, do hereby certify that pursuant to amended
 4 notice, there came before me,
 5

6 JAMEE RUGEN,
 7

8 at the law offices of Phillips, McElyea, Carpenter & Welch,
 9 85 Court Circle, in the City of Camdenton, County of
 10 Camden, State of Missouri, on October 2, 2013, who was
 11 first duly sworn to testify to the whole truth of her
 12 knowledge concerning the matter in controversy aforesaid;
 13 that she was examined and her examination was then and
 14 there written in machine shorthand by me and afterwards
 15 typed under my supervision, and is fully and correctly set
 16 forth in the foregoing pages; and the witness and counsel
 17 waived presentment of this deposition to the witness, by
 18 me, and that the signature shall be acknowledged by a
 19 notary public, and the deposition is now herewith returned.

14 I further certify that I am neither attorney or counsel
 15 for, nor related to, nor employed by any of the parties to
 16 this action which this deposition is taken; and
 17 furthermore, that I am not a relative or employee of any
 18 attorney or counsel employed by the parties hereto, or
 19 financially interested in this action.

18 IN WITNESS WHEREOF, I have hereunto set my hand on this
 19 16th day of October 2013.
 20
 21
 22
 23
 24
 25

SHELLY L. STEWART, CCR
 CAPITAL CITY COURT REPORTING

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1
 2
 3
 4
 5
 6 Upon delivery of transcript, the above charges had not yet
 7 been paid. It is anticipated that all charges will be paid
 8 in the normal course of business.

9 SHELLY L. STEWART, CCR (No. 619)
 10 CAPITAL CITY COURT REPORTING
 11 Jefferson City ** The Lake ** Columbia
 12 573-761-4350 * 573-365-5226 * 573-445-4142

11 IN AFFIRMATION THEREOF, I have hereunto set my hand on this
 12 16th day of October 2013.
 13
 14
 15

16 SHELLY STEWART, CCR
 17 CAPITAL CITY COURT REPORTING
 18
 19
 20
 21
 22
 23
 24
 25